

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL W. McALEE,	:	CIVIL ACTION
	:	
	:	
Plaintiff,	:	
	:	
v.	:	NO. 11-00156
	:	
INDEPENDENCE BLUE CROSS,	:	
	:	
	:	
Defendant.	:	

ORDER

AND NOW, this 27th day of *June*, 2011, upon consideration of the Motion of Independence Blue Cross to Dismiss Count II of Plaintiff's Complaint (Docket No. 5) and Plaintiff's Response in Opposition (Docket No. 7), it is hereby **ORDERED** that Defendant's Motion to Dismiss (Docket No. 5) is **GRANTED**.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.